

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC (OAC) No. 1525 of 2018

Ratnamani Samal

.....

Petitioner

Mr. S.K. Das, Advocate

Vs.

State of Odisha and others

.....

Opposite Parties

Mr. N. Jena, Standing Counsel S&ME

CORAM:

DR. JUSTICE B.R. SARANGI

ORDER

16.09.2022

Order No.

01.

This matter is taken up through hybrid mode.

2. Heard Mr. S.K. Das, learned counsel for the petitioner and Mr. N. Jena, learned Standing Counsel for School and Mass Education Department.

3. The petitioner has filed this writ petition seeking direction to the opposite parties to release the pensionary benefits, such as, gratuity, unutilized leave salary, GIC, GPF and other related benefits by regularizing her service from 03.07.1990 till the date of retirement, within a stipulated time.

4. Mr. S.K. Das, learned counsel for the petitioner vehemently contended that the petitioner is entitled to get financial benefits such as, pensionary benefit, gratuity, unutilized leave salary, GIC, GPF and other related benefits by regularizing her service from 03.07.1990 till the date of retirement.

5. Mr. N. Jena, learned Standing Counsel for School and Mass Education Department contended that after 03.07.1990, the petitioner never joined in service nor continued in service till her retirement and, as such, her whereabouts was not known. Now, by way of filing this writ petition, the petitioner claims for the financial

benefits, which cannot sustain in the eye of law.

6. Having heard learned counsel for the parties and after going thorough the records, this Court finds that the petitioner, who was unauthorizedly absence from duty from 03.07.1990, on the basis of a medical certificate claims that the absent period should be regularized and she should be granted with the financial benefits, as due and admissible to her. But fact remains, the petitioner remained absent for a quite long period without intimating the authority concerned and, as such, subsequently filing a forged medical certificate claimed the benefits, as stated above. More so, the post which was held by the petitioner, remained vacant as because she did not join in service, for which hardship was caused to the State. Therefore, this Court is not inclined to grant any relief to the petitioner.

7. Accordingly, the writ petition merits no consideration and the same is hereby dismissed.

Ashok

(DR. B.R. SARANGI)
JUDGE